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5 **UNITED STATES DISTRICT COURT**  
6 **WESTERN DISTRICT OF WASHINGTON**  
7 **AT SEATTLE**

8 SEAN WILSON, individually and on  
9 behalf of all others similarly situated,

10 *Plaintiff,*

11 v.

12 PTT, LLC (d/b/a HIGH 5 GAMES, LLC),  
13 a Delaware limited liability company,

14 *Defendant.*  
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Case No. 18-cv-05275-RSL

**ORDER GRANTING PLAINTIFF'S  
MOTION TO AMEND AND SUBSTITUTE**

17 This matter comes before the Court on “Plaintiff’s Motion for Leave to Amend and  
18 Substitute Rick Larsen as Class Representative.” Dkt. # 196. Class representative Sean Wilson  
19 (now Kipinä) has moved out of the country, apparently for personal reasons. There are now  
20 4,000 miles and ten time zones between him and class counsel, making his continued prosecution  
21 of this lawsuit significantly more difficult and raising potential issues regarding his ability to  
22 seek injunctive relief on behalf of the class. Class member Rick Larsen, a Washington resident,  
23 has stepped forward as a substitute class representative.

24 Courts “should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P.  
25 15(a)(2). There is a “strong policy in favor of allowing amendment” (*Kaplan v. Rose*, 49 F.3d  
26 1363, 1370 (9th Cir. 1994)), and “[c]ourts may decline to grant leave to amend only if there is  
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1 strong evidence of undue delay, bad faith or dilatory motive on the part of the movant, repeated  
2 failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing  
3 party by virtue of allowance of the amendment, or futility of amendment, etc.” (*Sonoma County*  
4 *Ass’n of Retired Employees v. Sonoma County*, 708 F.3d 1109, 1117 (9th Cir. 2013) (internal  
5 quotation marks and alterations omitted)). The underlying purpose of Rule 15 is “to facilitate  
6 decision on the merits, rather than on the pleadings or technicalities.” *Lopez v. Smith*, 203 F.3d  
7 1122, 1127 (9th Cir. 2000).

8 Having reviewed the memoranda, declarations, and exhibits submitted by the parties, the  
9 motion is GRANTED. The deadline for amending pleadings is April 5, 2023, and there is ample  
10 time for defendant to take discovery from and about Mr. Larsen before the discovery cutoff of  
11 June 4, 2023. Because defendant has not provided “strong evidence” of undue delay, bad faith,  
12 prejudice, or futility, amendment is appropriate. Defendant’s speculation that Mr. Larsen never  
13 played the hundreds of dollars of virtual chips he purchased in High 5 Casino is not relevant to  
14 the Rule 15(a) analysis. If discovery reveals that Mr. Larsen’s claims are atypical in some way or  
15 that he will not be an adequate representative for the class, defendant may move to decertify the  
16 class at that time.

17 Plaintiff shall file an amended complaint in substantially the form of Exhibit 1 to the  
18 Declaration of Amy B. Hausmann (Dkt. # 197-1) within fourteen days of the date of this Order.  
19 The Court hereby appoints Rick Larsen as representative of the classes certified at Dkt. # 170.  
20 Defendant need not file an answer to the amended pleading.

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22 Dated this 6th day of March, 2023.

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24 Robert S. Lasnik  
25 United States District Judge  
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